

## **Exhibit N**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492  
Case No. 13-cv-09116

Judge John Z. Lee

**AMENDED DECLARATION OF MARC M. BERG IN SUPPORT OF  
PETITION FOR FEES AND EXPENSES**

I, Marc M. Berg, declare as follows:

1. I am a senior associate attorney with the firm of J. Selmer Law, P.A. of Minneapolis, Minnesota. I, along with the other attorneys in my firm identified in Paragraph 5, below, have represented Plaintiffs Paul Morgan, Cliff Deese, and Joey Balthazor, Jr. in the matter originally captioned as *Morgan, et al v. National Collegiate Athletic Association* (D. Minn. Case No. 0:13-cv-03174), and subsequently transferred into the above-entitled action. I am submitting this declaration in support of our firm's application for an award of attorneys' fees and expenses incurred in connection with services rendered in the above-entitled action through December 22, 2016.

2. My firm and the Plaintiffs we represent support the Settlement in this matter.

3. My firm first became involved with the litigation in November of 2013. From the inception of our work in this litigation, counsel for plaintiffs have aggressively prosecuted this case and vigorously represented the best interests of plaintiffs and the Class.

4. Throughout this case our firm's work included (1) drafting, filing, and serving the complaint for the District of Minnesota matter; (2) working with the other attorneys representing plaintiffs in the medical monitoring class action lawsuits that had been initiated in other jurisdictions on effectively strategizing settlement options; (3) monitoring court filings that

impacted the direction of the proceedings; (4) reviewing expert reports; (5) appearing telephonically for court hearings; (6) responding to media inquiries, (7) communicating with our clients as to the status of the proceedings; and (8) consulting with clients as to the terms of the proposed settlement, including answering their questions as necessary to obtain their approval of said settlement terms. At all times the focus of our work was to assure that the settlement terms fairly addressed the important issues raised in our medical monitoring complaint, including, but not limited to, assuring that the scope of the medical monitoring relief included older former players and testing for late-life cognitive impairment that is likely to impact a significant portion of the class.

5. Through December 22, 2016, the total number of hours spent on this litigation by my firm is 171.3. The total lodestar amount for attorney/professional time based on the firm's current rates is \$68,972.00. The hourly rates shown below are the usual and customary rates charged for each individual in all of our cases. A breakdown of the lodestar is as follows:

<b>NAME/TITLE</b>	<b>HOURS</b>	<b>RATE</b>	<b>LODESTAR</b>
James Selmer – Partner	52.1	\$450.00	\$23,445.00
Marc Berg – Senior Associate	71.9	\$425.00	\$30,557.50
Brian Hansen – Associate	25.4	\$335.00	\$8,509.00
Cyri Lillejord-Wiggins - Associate	21.9	\$295.00	\$6,460.50
<b>TOTAL:</b>			<b>\$68,972.00</b>

6. My firm incurred a total of \$623.30 in expenses in connection with the prosecution of this litigation. They are broken down as follows:

<b>EXPENSE CATEGORY</b>	<b>TOTAL</b>
Photocopies	\$145.60
Telephone – Long Distance	\$2.30
PACER Document Retrieval	\$7.40
Court Filing Fee	*\$400.00
Process Server – service of complaint	*\$68.00
<b>TOTAL:</b>	<b>\$623.30</b>

\*Note: my firm was previously reimbursed for the court filing fee and service of process expenses, which is reflected as a credit in the accompanying billing statement.

7. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from expense vouchers, check records, and other documents and are an accurate record of the expenses.

8. I submit this amended declaration to clarify the listing of firm expenses that was included in my initial declaration dated January 5, 2017, as indicated in Paragraph 6, above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3<sup>rd</sup> day of February, 2017.

/s/ Marc M. Berg  
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